

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUNE CULROSS

Plaintiff,

v.

FALLON CLINIC, INC. and
MARLENE DODGE

Defendants.

C. A. No. **05-40092FDS**

**ASSENTED TO JOINT MOTION TO EXTEND THE TIME FOR DEFENDANTS TO
FILE A RESPONSIVE PLEADING TO PLAINTIFF'S COMPLAINT**

The Parties hereby submit this Joint Motion To Extend The Time For Defendants To File A Responsive Pleading to Plaintiff's Complaint ("Joint Motion"). In support of this Joint Motion, the Parties state as follows:

1. By this action, the Plaintiff alleges that Defendants violated the Family Medical and Leave Act ("FMLA") and M.G.L. c. 151B. Specifically, Plaintiff alleges that Defendants interfered with the exercise of her rights pursuant to the FMLA and discriminated against her on the basis of her alleged handicap.

2. Presently, the deadline for filing a responsive pleading to Plaintiff's Complaint is October 30, 2005.

3. Since receiving the Complaint, counsel for the Parties have had ongoing discussions regarding the possibility of settling the case.

4. Settlement negotiations have progressed significantly to the point where, presently, counsel for the Parties have exchanged drafts of a proposed settlement agreement and are negotiating the final terms of an agreement.

5. The Parties have not been able to determine if a settlement agreement could be finalized, in part, because Defendants' counsel's mother has been suffering from lung cancer. Counsel's mother's condition has deteriorated significantly over the last few weeks. Counsel's mother passed away on October 27, 2005.

6. Because the Parties intend to work in good faith toward final resolution of the matter and they also wish to avoid unnecessary time and expense in filing unnecessary pleadings, the Parties have agreed that Defendants need not file a responsive pleading until the Parties determine whether they can agree on the final language of a settlement agreement.

7. Accordingly, the Parties request that the deadline for submission of a responsive pleading be extended to November 30, 2005.

8. The Parties will not be prejudiced by this extension.

WHEREFORE, the Parties respectfully request that the Court extend the time for Defendants to file a responsive pleading to October 30, 2005.

FALLON CLINIC, INC. and
MARLENE DODGE
By their attorneys,

JUNE CULROSS
By her attorney,

/s/ David M. Cogliano, Esq.
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Dated: October 28, 2005